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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,004

12/15/2003

Yi Feng Zheng

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EXAMINER

HAQ, SHAFIQUL

ART UNIT

PAPER NUMBER

1641

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. Applicants' responses and amendments filed November 14, 2005 is acknowledged and entered.
2. Claims 7-12, 26, 28-29 and 32 have been cancelled.
3. Claims 1-6 and 13-25, 27 and 30-31 are pending and under active prosecution.

### ***Claim Objections***

4. Claim 27 is objected to because of the following informalities: step (i) of line 10 should be step (iii). Appropriate correction is required.
5. In claims 25, 27, 30 and 31, Z' is appearing twice as Z' is in formula as well as in definition of R<sup>6</sup> and R<sup>5</sup> (claim 30). Change should be consistent with claim 1.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 are again rejected under 35 U.S.C. 102(e) as being anticipated by Pouletty et al (US 2003/0171435 A1) for the reasons set forth in paragraph 5 of the 9/8/05 office action.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 13-25, 27 and 30-31 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Hui et al. (EP 1340981 A2) in view of Pouletty et al (US 2003/0171435 A1) for the reasons set forth in paragraph 7 of the 9/8/05 office action.

10. Claims 6, 13-25, 27 and 30-31 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Rouhani et al. (GB 2361473 A) in view of Pouletty et al (US 2003/0171435 A1) for the reasons set forth in paragraph 8 of the 9/8/05 office action.

### ***Response to Argument***

11. Applicant's arguments filed 11/14/05 have been fully considered, and are persuasive to overcome the rejection under 35 USC 112, but they are not persuasive to overcome the rejections under 35 USC 102 and 35 USC 102.

Applicant's argument that Pouletty's reference does not disclose or suggest the compounds wherein the linking group is  $-O(CH_2)_nC(O)-$  to an immunogen or label, has not found to be convincing because from the disclosure of Pouletty et al., it is apparent that the compounds disclosed (e.g. formulas I, II, IIIa, IV etc.) are for coupling to appropriate carriers to render the amphetamine derivatives immunogenic (see paragraph [0011] and claims 16, 17 and 20). It is also apparent from the reading that carriers can be linked through amine nitrogen (see paragraph [0064]) or

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through 4 position of benzene ring (see paragraphs [0066] and [0068]) and in present application, carrier is linked to 4 position of benzene ring through a  $-O(CH_2)_nC(O)-$  linker (i.e.  $-O(CH_2)_nC(O)-$ carrier). Linker  $-O(CH_2)_nC(O)OH-$  is disclosed in several places in the reference ( e.g. paragraphs [0011-0016] in which  $R_5$  of formula (I) =  $-O(CH_2)_nC(O)OH-$  wherein  $R_{10}$  is carboxyl and in formula (IIIa), the linker at position 4 of benzene ring is  $-O(CH_2)_nC(O)OH-$ . Also compound of formula (IV) of [0027] disclose the linker  $--OCH_2C(O)OH-$  ). When this linker is linked to amino group of a protein or peptide, it would form an amide bond by eliminating the hydroxyl group, leaving the linker portion  $-O(CH_2)_nC(O)-$  (i.e.  $-O(CH_2)_nC(O)-$ peptide) (see paragraph [0063]) and therefore, the linkers disclosed in this reference is in fact correspond to the linker  $-O(CH_2)_nC(O)-$  of present application.

Therefore, the rejections furnished in the last office action (9/8/05) are deemed to be appropriate and are still maintained.

### ***Conclusion***

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

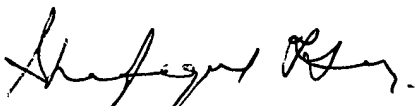
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date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shafiqul Haq whose telephone number is 571-272-6103. The examiner can normally be reached on 7:30AM-4:00PM.

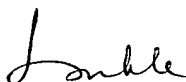
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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02/04/06